

Regular Session, 2012

SENATE BILL NO. 506

BY SENATOR CLAITOR

CIVIL PROCEDURE. Provides relative to staying discovery in civil proceedings for cause shown by district attorney conducting a related criminal investigation. (8/1/12)

AN ACT

To enact Code of Civil Procedure Article 1426.1, relative to discovery; to provide relative to stay of discovery in civil proceedings for good cause shown by district attorney conducting a related criminal investigation; to provide certain terms and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1426.1 is hereby enacted to read as follows:

(1) Upon the motion of the district attorney for good cause shown, the court may, as justice requires, stay any civil discovery proceedings. Good cause includes, but is not limited to, a finding by the court that civil discovery will adversely affect the ability of the district attorney to conduct a related criminal investigation or the prosecution of a related felony criminal case.

(2) No provision of this Article shall prohibit a party to the stayed discovery proceeding from moving to have the stay subsequently lifted for good cause.

(3) Within thirty days of the conclusion of the related criminal

1 **prosecution, in any matter where a stay has issued, the district attorney shall**
2 **file an ex parte motion consenting to the termination of the stay.**

3 **(4) No matter in which a stay has been issued pursuant to this Article**
4 **shall be subject to dismissal for abandonment.**

5 **(5) No provision of this Article shall have applicability to petitions for**
6 **divorce or custody.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Proposed law provides that the court may, upon motion of the district attorney for good cause shown, stay any civil discovery proceedings. Further provides that good cause includes, but is not limited to, a finding by the court that civil discovery will adversely affect the ability of the district attorney to conduct a related criminal investigation or the prosecution of a related felony criminal case.

Proposed law further provides that a party to the stayed discovery proceeding may move to have the stay subsequently lifted for good cause. Further provides that within 30 days of the conclusion of the related criminal prosecution, the district attorney shall file an ex parte motion consenting to terminating the stay. Further provides that no matter in which a stay has been issued shall be subject to dismissal for abandonment. Further provides that the proposed law shall not apply to petitions for divorce or custody.

Effective August 1, 2012.

(Adds C.C.P. Art. 1426.1)